

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SCOTT JANICEK,**

**Defendant.**

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**8:05CR32**

**REPORT AND RECOMMENDATION  
AND  
ORDER**

At the conclusion of the hearing on May 16, 2005, on the defendant's motion to suppress evidence (Filing No. 16), I stated my conclusions on the record and my decision to recommend that the motion to suppress be denied in part and granted in part. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Laurie Smith Camp, United States District Judge, that Janicek's motion to suppress, Filing No. 16, be denied as to any evidence seized from the residence except as to evidence seized from a bedroom in the basement of the residence which was secured by a padlock.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 57.3 any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 18th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge